



WEB COPY



W.P. No.9711 of 2005

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.P.No.9711 of 2005
and
W.M.P.No.10552 of 2005

K.Gunasekaran

... Petitioner

Vs.

1.The State of Tamil Nadu Rep. By
The Secretary to Government,
Co-operation, Food and Consumer Protection Department,
Chennai – 600 009.

2.The Deputy Registrar of Co-operative Societies,
Thindivanam Circle,
Thindivanam.

3.The Special Officer,
Nagandhur Primary Agricultural Co-operative Bank,
Nagandhur Post, Gengi Taluk,
Villupuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Declaration, declaring that the surcharge proceedings initiated against the petitioner by the 2nd respondent in Proc.Na.Ka.No.7176/95 KuNa dated 25.09.1996 is null and void and in violation of Section 87 of the Tamil Nadu Co-operative Societies Act.



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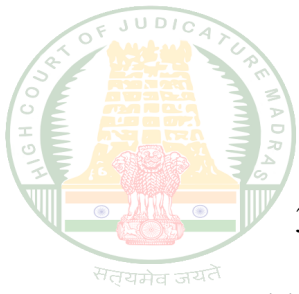
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For Petitioner : Mr.R.Prem Narayanan
For Respondents : Mr.S.RAvikumar
Special Government Pleader

ORDER

The petitioner has challenged the impugned notice dated 25.09.1996 bearing reference Na.Ka.No.7176/95 KuNa issued by the 2nd respondent, fixing the date of enquiry in the surcharge proceedings initiated against the petitioner under Section 87 of the Tamil Nadu Co-operative Societies Act, 1983. The petitioner had secured an interim order on 23.03.2005. The petitioner also challenged the same notice in W.P.No.33106 of 2013, which was dismissed on the previous occasion, dated 03.02.2025.

2. Today, it is informed by the learned counsel for the petitioner that the respondents have now passed an order pursuant to the surcharge proceedings dated 25.09.1996 on 07.10.2004 which was communicated to the petitioner only in the year 2013. It is submitted that the petitioner has not challenged the same in view of the pendency of this writ petition and in view of the stay secured by the petitioner on 23.03.2005.



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3. The learned counsel for the respondents, on the other hand, would submit that the aforesaid order dated 07.10.2004 was served on the petitioner by way of affixure on the door of the petitioner on 29.10.2004 and therefore, the petitioner cannot state that the order was not received.

4. Be that as it may, this writ petition has become infructuous as on date and therefore, the writ petition is liable to be dismissed. It is open for the petitioner to work out the remedy in the manner known to law by filing statutory appeal under **Section 152 of Act, 1983**, explaining the reasons.

5. With the above liberty, the writ petition stands dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

17.02.2025

Index : Yes/No
Speaking Order : Yes/No
dpa



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C.SARAVANAN,J.

dpa

To:

- 1.The Secretary to Government,
The State of Tamil Nadu
Co-operation, Food and Consumer Protection Department,
Chennai – 600 009.
- 2.The Deputy Registrar of Co-operative Societies,
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Thindivanam.
- 3.The Special Officer,
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